

FILED '06 AUG 15 13:39 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT FREECE,)	
)	
Plaintiff,)	Civil No. 04-1666-JE
)	
v.)	ORDER
)	
CLACKAMAS COUNTY, DANIEL STEEVES,)	
KIM KLUSMANN, CITY OF WILSONVILLE,)	
FLOYD PEOPLES, CHARLES JACOBY,)	
and JOHN DOES 1-5,)	
)	
Defendants.)	
_____)	

JELDERKS, Magistrate Judge:

I granted the City of Wilsonville defendants' motion for summary judgment. I denied the Clackamas County defendants' motion for summary judgment. The Clackamas County defendants are appealing the denial of their summary judgment motion.

Plaintiff moves for entry of final judgment on his claims against the City of Wilsonville defendants. Defendants do not oppose the motion. I grant the motion.

DISCUSSION

Federal Rule of Civil Procedure 54(b) allows a district court to "direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment." Entry of judgment under Rule 54(b) "is proper if it will aid 'expeditious decision' of the case." Texaco, Inc. v. Ponsoldt, 939 F.2d 794, 797 (9th Cir. 1991) (quoting Sheehan v. Atlanta Int'l Ins. Co., 812 F.2d 465, 468 (9th Cir. 1987)). A court should not grant Rule 54(b) certification if it would cause "piecemeal appeals in cases which should be reviewed only as single units." Id. at 797-98 (citations and quotation marks omitted).

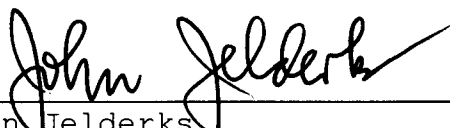
Here, Rule 54(b) certification will aid in the expeditious resolution of this action because the Ninth Circuit will be able to address all of plaintiff's claims in one appeal. On the other hand, failure to grant Rule 54(b) certification could require that this court preside over two separate trials, one for plaintiff's claims against the Clackamas County defendants and another for plaintiff's claims against for the City of Wilsonville defendants. Granting Rule 54(b) certification should

conserve judicial resources by avoiding multiple trials and appeals.

CONCLUSION

Plaintiff's motion for entry of final judgment on plaintiff's claims against the City of Wilsonville defendants (#97) is granted.

DATED this 15th of August, 2006.



John Jelderks
U.S. Magistrate Judge